

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, November 14, 2013
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Debbie Drasler, Contract Planner
Melinda Whelan, Assistant Planner
Benjamin M. Zdeba, Assistant Planner

B. MINUTES of October 24, 2013

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 Brockman Lot Merger LM2013-004 (PA2013-188)
2100 Mesa Drive

CD 3

Benjamin Zdeba, Assistant Planner, provided a brief project description stating that the application was to merge portions of four lots under common ownership to create a 2.218-acre parcel within the Residential Equestrian (REQ) District of the Santa Ana Heights Specific Plan (SP-7) Zoning District. He described the current development on the property and noted there was an existing Covenant and Agreement to utilize the subject property in conjunction with the adjacent property at 2148 Mesa Drive since the subject property only contains a steel corral structure with no principal structure. He further stated that after the Lot Merger records, a single-family dwelling could be constructed on the property and the existing Covenant and Agreement would be rescinded. Additionally, as conditioned, a 30-foot-wide access easement would be required across the subject property to provide access to 2148 Mesa Drive. It was also advised that the property is located within the Coastal Zone, so any development would be subject to California Coastal Commission review.

Applicant's representative, Buzz Person, clarified that the property was already an existing parcel and that the Lot Merger would remove the underlying interior lot lines from the parcel. He also added that, although an easement already exists as part of the legal description for 2148 Mesa Drive, a new easement would be recorded prior to the Lot Merger recordation. A discussion ensued between the applicant and staff regarding the process of documenting the easement properly with respect to condition of approval number 4.

The Zoning Administrator opened the public hearing.

Jim Mosher, resident, spoke regarding the easement requirement and expressed concern as to which properties are accessed by the easement since the subject application is only concerning two properties. He also spoke concerning the California Coastal Commission review of the application and stated the Lot Merger itself is development and should be reviewed.

The Zoning Administrator closed the public hearing.

The Zoning Administrator clarified that access to the other properties which were not part of this application is already provided by way of existing easements and pointed to the Lot Merger document which depicted said easements.

Mr. Zdeba stated that the Lot Merger would be part of the Approval-in-Concept (AIC) application which would go to the California Coastal Commission for review.

Mr. Person assured that there are indeed existing easements for access to the adjacent properties as indicated by the Title Report.

Zoning Administrator Wisneski commented that the requirement to show the easement on the Lot Merger document is consistently applied and stated that condition of approval number 4 should remain as is. She concurred that the findings for approval could be made and approved Lot Merger No. LM2013-004.

Action: Approved

**ITEM NO. 2 713 Poppy Tentative Parcel Map No. NP2013-021 (PA2013-189)
713 Poppy Avenue**

CD 6

Melinda Whelan, Assistant Planner, provided a brief project description stating that this request was for a parcel map for condominium purposes. Whelan explained that a single-family dwelling had been demolished and a duplex is being constructed to condominium specifications. Whelan explained that because there is an increase in units a park fee is required to be assessed and is included as a condition of approval. No exceptions to Title 19 of the development standards are proposed. Whelan further stated she was able to make all of the required findings and recommended approval to the Zoning Administrator.

Applicant James Person (Buzz), on behalf of the MPH Homes Too, LLC stated that he had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

The Zoning Administrator moved to approve Parcel Map No. NP2013-021.

Action: Approved

**ITEM NO. 3 518 Jasmine Tentative Parcel Map No. NP2013-022 (PA2013-190)
518 Jasmine Avenue**

CD 6

Melinda Whelan, Assistant Planner, provided a brief project description stating that this request was for a parcel map for condominium purposes. Whelan explained that a two-family dwelling had been demolished and a duplex is being constructed to condominium specifications. No exceptions to Title 19 of the development standards are proposed. Whelan further explained that she was able to make all of the required findings and recommended approval to the Zoning Administrator.

Applicant James Person (Buzz), on behalf of the CDM Associates, LLC stated that he had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

The Zoning Administrator moved to approve Parcel Map No. NP2013-022.

Action: Approved

**ITEM NO. 4 519 Larkspur Avenue Tentative Parcel Map No. NP2013-023 (PA2013-191)
519 Larkspur Avenue**

CD 6

Debbie Drasler, Contract Planner, provided a brief project description stating that the applicant is requesting approval for a Tentative Parcel Map (TPM) for two-unit condominium purposes. No exceptions to Title 19 of the development standards are proposed. The TPM would allow each unit of the duplex, currently under construction, to be sold individually. The property was previously developed with a single-family dwelling (SFD) and therefore is subject to fees for park dedication.

Applicant James Person (Buzz), on behalf of the Spurlark, LLC, inquired on the actual fee amounts. After Ms. Drasler provided the fee amount, Mr. Person stated that he had reviewed the draft resolution and the required conditions and agreed to them.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

The Zoning Administrator moved to approve Parcel Map No. NP2013-023.

Action: Approved

ITEM NO. 5

616 Heliotrope Avenue Tentative Parcel Map No.	NP2013-024 (PA2013-192)
616 Heliotrope Avenue	CD 6

Debbie Drasler, Contract Planner, provided a brief project description stating that the applicant is requesting approval for a Tentative Parcel Map (TPM) for two-unit condominium purposes. No exceptions to Title 19 of the development standards are proposed. An existing duplex will be demolished and replaced with a two-unit condominium development. Approval of this TPM will create separate ownership units allowing each unit to be sold separately.

Applicant James Person (Buzz), on behalf of the Spurlark, LLC, stated that he had reviewed the draft resolution and the required conditions and agreed to them.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

The Zoning Administrator moved to approve Parcel Map No. NP2013-024.

Action: Approved

ITEM NO. 6

Marigold Avenue Tentative Parcel Map No. NP2013-027 (PA2013-209)
606 Marigold Avenue Council District 6

Benjamin Zdeba, Assistant Planner, provided a brief project description stating that the application was for a tentative parcel map for two-unit condominium purposes and that the property was previously developed with a duplex which was demolished and a new duplex is being constructed. He added the new duplex is being built to condominium standards and that no waivers of the Title 19 (Subdivisions) standards are being requested. It was also noted that the property is not within the Coastal Zone boundary.

Jim Mosher, resident, expressed concern regarding the condition of approval relative to street tree plantings and the availability of the tree species being required by that condition of approval.

Mr. Zdeba clarified the project was reviewed by the Public Works Department and the condition of approval to plant a specific street tree was added based upon the review. He assured that satisfaction of that condition of approval would be at the discretion of the Public Works Department.

Zoning Administrator Wisneski concurred that the findings for approval could be made and approved Tentative Parcel Map No. NP2013-027.

ITEM NO. 7

Newport Coffee Company Minor Use Permit No. UP2013-020 (PA2013-202)
104 McFadden Place Council District 1

Debbie Drasler, Contract Planner, provided a brief project description stating that the applicant, Alex Farmen, is requesting approval for a Minor Use Permit to convert an existing retail use to a new take-out service.

limited eating and drinking establishment. The tenant space is 625-square-feet and will include a kitchen, coffee bar area, restrooms, and a customer seating area with a maximum of six seats. No late hours or alcohol sales are proposed. Ms. Drasler noted that the property is considered legal nonconforming due to a deficiency of on-site parking for commercial use. However, per the zoning code, a new use may be allowed in that zoning district without providing additional parking provided no intensification or enlargement in floor area occurs. Additionally, Ms. Drasler noted that as a result of the tenant improvements, the project is required to provide for a handicapped parking and loading area per Building Code improvements. Due to the constraints of the existing parking lot, this provision will cause the reduction of one standard parking space. Ms. Drasler continued by providing the Zoning Code section that allows the Director to administratively reduce parking spaces in order to comply with the handicapped parking requirements associated with tenant improvements.

Applicants Keith Muller and Alexis Karpetsky were not available to comment on the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing and inquired about the proposed air conditioning unit and landscaping.

One member of the public, Jim Mosher, spoke and inquired on how many parking spaces currently existed on site and how many parking spaces the center was deficient.

Ms. Drasler informed Mr. Mosher that there were 12 existing parking spaces and the Zoning Administrator clarified that the number of parking spaces the multi-tenant center is deficient is irrelevant to the analysis of the proposed project before us. There were no other public comments.

The Zoning Administrator moved to approve Minor Use Permit No. UP2013-020.

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

A member of the public, Mr. Jim Mosher, commented that when an agenda includes several hearing items for similar projects it becomes apparent that the conditions vary depending on the planner. He suggested that the City establish standard conditions of approval that all customers must abide by. The Zoning Administrator agreed that consistency is better and thanked Mr. Mosher for bringing this to our attention.

E. ADJOURNMENT

The hearing was adjourned at 3:55 p.m.

The agenda for the Zoning Administrator Hearing was posted on November 8, 2013, at 3:00 p.m. in the Chambers binder located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on November 8, 2013, at 3:25 p.m.

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Brenda Wisneski, AICP, Zoning Administrator